

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ROBERT MEDINA, JR.

Plaintiff,

v.

GUSTAVO MARTINEZ, et al.

Defendants.

1:23-cv-00935-EPG (PC)

ORDER GRANTING IFP APPLICATION

(ECF No. 11).

ORDER DIRECTING PAYMENT  
OF INMATE FILING FEE BY THE  
FRESNO COUNTY SHERIFF

Plaintiff is confined at the Fresno County Jail and is proceeding *pro se* in this civil action. Plaintiff has not paid the filing fee but has submitted an application to proceed *in forma pauperis* (IFP) pursuant to 28 U.S.C. § 1915. (ECF No. 2). However, the IFP application was not fully completed. Specifically, the portion of the IFP form, requiring an officer at the place of Plaintiff's incarceration to certify Plaintiff's account balance and to provide a certified copy of the trust account statement showing transactions for the past six months, had not been completed. (*Id.* at 2). Accordingly, the Court ordered Plaintiff to file a completed application. (ECF No. 4).

On August 4, 2023, Plaintiff filed a new IFP application. (ECF No. 9). However, it suffered the same defect as his prior application—the portion of the IFP form, requiring an officer at the place of Plaintiff's incarceration to certify Plaintiff's account balance and to provide a certified copy of the trust account statement showing transactions for the past six months, had not been completed. (ECF No. 9, p. 2). It was not apparent from the record why this portion of the form was incomplete, and Plaintiff offered no explanation. Accordingly, the Court ordered Plaintiff to file a completed application, and if Plaintiff believed he could not provide that

information, he was directed to file a notice along with his IFP application, explaining the efforts he had made to have the appropriate officer at the Jail to provide the required information and the Jail's response. (ECF No. 10).

Now before the Court is Plaintiff's IFP application filed on September 13, 2023. (ECF No. 11). The form represents that Plaintiff has no available funds or assets. At the bottom of the form, in the portion for an officer to certify Plaintiff's account balance and to provide a certified copy of the trust account statement showing transactions for the past six months, Plaintiff has written, "all 5 of C/Os refuse to si[gn] what now please let me know." Additionally, Plaintiff has attached request forms from the Jail, asking for copies of his trust account statement, with the Jail response being the amount in his account—three cents. Upon review, it appears that Plaintiff has made sufficient efforts to provide a certified account statement, but the Jail has failed to provide it.

Accordingly, IT IS ORDERED as follows:

1. Plaintiff's September 13, 2023, application to proceed *in forma pauperis* (ECF No. 11) is GRANTED;
2. The Clerk of Court is directed to terminate as pending Plaintiff's prior applications. (ECF Nos. 2, 9).
3. The Fresno County Sheriff or his designee shall collect payments from Plaintiff's prison trust account in an amount equal to twenty percent (20%) of the preceding month's income credited to the prisoner's trust account and shall forward those payments to the Clerk of the Court each time the amount in the account exceeds \$10.00, in accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected and forwarded to the Clerk of the Court. The payments shall be clearly identified by the name and number assigned to this action.
4. The Clerk of the Court is directed to serve a copy of this order and a copy of Plaintiff's *in forma pauperis* application (ECF No. 11) on the Fresno County Sheriff via CM/ECF.

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1           5.       The Clerk of the Court is directed to serve a copy of this order on the Financial  
2                   Department, U.S. District Court, Eastern District of California.

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4       IT IS SO ORDERED.

5       Dated:    September 14, 2023

/s/ Eric P. Grig  
6                   UNITED STATES MAGISTRATE JUDGE